

# HB5306



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB5306

Introduced 2/3/2010, by Rep. David R. Leitch

#### SYNOPSIS AS INTRODUCED:

405 ILCS 30/4

from Ch. 91 1/2, par. 904

Amends the Community Services Act. Provides that for services classified as entitlement services under federal law or guidelines, caps may not be placed on the total amount of payment a provider may receive in a fiscal year and the Department of Human Services shall not require that a portion of the payments due be made in a subsequent fiscal year based on a yearly payment cap. Effective immediately.

LRB096 19199 KTG 34590 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Community Services Act is amended by  
5 changing Section 4 as follows:

6 (405 ILCS 30/4) (from Ch. 91 1/2, par. 904)

7 Sec. 4. Financing for Community Services.

8 (a) The Department of Human Services is authorized to  
9 provide financial reimbursement to eligible private service  
10 providers, corporations, local government entities or  
11 voluntary associations for the provision of services to persons  
12 with mental illness, persons with a developmental disability  
13 and alcohol and drug dependent persons living in the community  
14 for the purpose of achieving the goals of this Act.

15 The Department shall utilize the following funding  
16 mechanisms for community services:

17 (1) Purchase of Care Contracts: services purchased on a  
18 predetermined fee per unit of service basis from private  
19 providers or governmental entities. Fee per service rates  
20 are set by an established formula which covers some portion  
21 of personnel, supplies, and other allowable costs, and  
22 which makes some allowance for geographic variations in  
23 costs as well as for additional program components.

1           (2) Grants: sums of money which the Department grants  
2           to private providers or governmental entities pursuant to  
3           the grant recipient's agreement to provide certain  
4           services, as defined by departmental grant guidelines, to  
5           an approximate number of service recipients. Grant levels  
6           are set through consideration of personnel, supply and  
7           other allowable costs, as well as other funds available to  
8           the program.

9           (3) Other Funding Arrangements: funding mechanisms may  
10          be established on a pilot basis in order to examine the  
11          feasibility of alternative financing arrangements for the  
12          provision of community services.

13          The Department shall establish and maintain an equitable  
14          system of payment which allows providers to improve persons  
15          with disabilities' capabilities for independence and reduces  
16          their reliance on State-operated services.

17          For services classified as entitlement services under  
18          federal law or guidelines, caps may not be placed on the total  
19          amount of payment a provider may receive in a fiscal year and  
20          the Department shall not require that a portion of the payments  
21          due be made in a subsequent fiscal year based on a yearly  
22          payment cap.

23          (b) The Governor shall create a commission by September 1,  
24          2009, or as soon thereafter as possible, to review funding  
25          methodologies, identify gaps in funding, identify revenue, and  
26          prioritize use of that revenue for community developmental

1 disability services, mental health services, alcohol and  
2 substance abuse services, rehabilitation services, and early  
3 intervention services. The Office of the Governor shall provide  
4 staff support for the commission.

5 (c) The first meeting of the commission shall be held  
6 within the first month after the creation and appointment of  
7 the commission, and a final report summarizing the commission's  
8 recommendations must be issued within 12 months after the first  
9 meeting, and no later than September 1, 2010, to the Governor  
10 and the General Assembly.

11 (d) The commission shall have the following 13 voting  
12 members:

13 (A) one member of the House of Representatives,  
14 appointed by the Speaker of the House of Representatives;

15 (B) one member of the House of Representatives,  
16 appointed by the House Minority Leader;

17 (C) one member of the Senate, appointed by the  
18 President of the Senate;

19 (D) one member of the Senate, appointed by the Senate  
20 Minority Leader;

21 (E) one person with a developmental disability, or a  
22 family member or guardian of such a person, appointed by  
23 the Governor;

24 (F) one person with a mental illness, or a family  
25 member or guardian of such a person, appointed by the  
26 Governor;

1           (G) two persons from unions that represent employees of  
2           community providers that serve people with developmental  
3           disabilities, mental illness, and alcohol and substance  
4           abuse disorders, appointed by the Governor; and

5           (H) five persons from statewide associations that  
6           represent community providers that provide residential,  
7           day training, and other developmental disability services,  
8           mental health services, alcohol and substance abuse  
9           services, rehabilitation services, or early intervention  
10          services, or any combination of those, appointed by the  
11          Governor.

12          The commission shall also have the following ex-officio,  
13          nonvoting members:

14           (I) the Director of the Governor's Office of Management  
15           and Budget or his or her designee;

16           (J) the Chief Financial Officer of the Department of  
17           Human Services or his or her designee;

18           (K) the Administrator of the Department of Healthcare  
19           and Family Services Division of Finance or his or her  
20           designee;

21           (L) the Director of the Department of Human Services  
22           Division of Developmental Disabilities or his or her  
23           designee;

24           (M) the Director of the Department of Human Services  
25           Division of Mental Health or his or her designee; and

26           (N) the Director of the Department of Human Services

1 Division of Alcohol and Substance Abuse or his or her  
2 designee.

3 (e) The funding methodologies must reflect economic  
4 factors inherent in providing services and supports, recognize  
5 individual disability needs, and consider geographic  
6 differences, transportation costs, required staffing ratios,  
7 and mandates not currently funded.

8 (f) In accepting Department funds, providers shall  
9 recognize their responsibility to be accountable to the  
10 Department and the State for the delivery of services which are  
11 consistent with the philosophies and goals of this Act and the  
12 rules and regulations promulgated under it.

13 (Source: P.A. 95-682, eff. 10-11-07; 96-652, eff. 8-24-09.)

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law.